

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44492 OF 2018

DATED :10.12.2018

Between :

Chikati Sudhakar S/o.Late Masthanaiah,
Aged 39 yrs, Occu : Agriculture,
R/o.Jatla Konduru, Manubolu Mandal,
SPSR Nellore District.

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Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Panchayat Raj Department,
Secretariat, Velagapudi, Amaravati,
Guntur, Andhra Pradesh & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Panchayat Raj, for respondents 1 to 4, learned Government pleader for Endowments for respondents 6 and 7 and Sri G.Seshadri, learned Standing counsel for respondent No.5.

2. Petitioner claims to be interested in 8th respondent institution and challenges the order of Secretary, Gram Panchayat dated 10.11.2017 granting licence to the 9th respondent to run a private cattle market from 09.08.2017 valid up to 08.08.2019 in exercise of power under Section 105 of the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act').

3. Learned counsel for the petitioner submits that the licence to run a private cattle market is granted to 9th respondent on the land belonging to 8th respondent, contrary to the principles of 8th respondent-institution.

4. However, learned Standing counsel points out that lease was granted to 9th respondent by another private person and based on the said lease, the issue was processed and permission to run cattle market was granted. The person who has granted lease to 9th respondent is not made a party to this writ petition.

5. In other words, the very issue of land belonging to 8th respondent itself is in cloud. Furthermore, 8th respondent is not aggrieved by the order of Secretary, Gram Panchayat, dated 10.11.2017, but petitioner claiming to have interest in the said institution challenge the said decision. Petitioner does not challenge the conduct of management of 8th respondent, assuming that management was hand in glove in utilization of this land for private cattle market. The material on record would disclose that there is a valid lease deed in favour of 9th respondent to enjoy the property in issue and on that property permission to run private cattle market is granted in exercise of power under Section 105 of the Act.

6. Learned counsel for the petitioner sought to contend that in terms of provision in Section 105 of the Act, licence can be granted only for one year, whereas, in the instant case, straight away licence was granted for two years. He placed reliance on Sub-Section 5 of Section 105 of the Act, in support of the said contention.

7. *Prima-facie*, reading of Section 105 including Sub-Section 5 it is apparent that it does not impose any restriction in granting licence for two years at a time. It means that licence once granted would expire at the end of the year. It has to be understood as end of the year of expiry of licence, as the said section does not impose restriction on period of licence. Further licence was granted on 10.11.2017. The first year completed by 09.11.2018 and second year lease period is already commenced.

8. For the aforesaid reasons, the Court is not inclined to entertain the writ petition.

9. Accordingly, the Writ Petition is dismissed. However, this order does not come in the way of petitioner to work out his remedies against functioning of 8th respondent institution, if so advised. Pending miscellaneous petitions shall stand closed.

10th December, 2018
Rds

P.NAVEEN RAO,J

